

DARREN T. BRENNER, ESQ.
Nevada Bar No. 8386
JAMIE K. COMBS, ESQ.
Nevada Bar No. 13088
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: darren.brenner@akerman.com
Email: jamie.combs@akerman.com

*Attorneys for Property and Casualty
Insurance Company of Hartford*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARY JEAN LAMBERT,

Plaintiff,

v.

PROPERTY AND CASUALTY INSURANCE
COMPANY OF HARTFORD; HARTFORD
UNDERWRITERS INSURANCE
COMPANY, companies and entities licensed to
do business in Arizona and Nevada; DOES 1
through 10; XYZ Corporations 11 through 20;
and ABC Limited Liability Companies 21
through 30, inclusive,

Defendants.

Case No.: 2:17-cv-01509-RFB-PAL

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES
(THIRD REQUEST)**

Defendant Property and Casualty Insurance Company of Hartford (**Defendant**), incorrectly named as Hartford Underwriters Insurance Company, and plaintiff Mary Jean Lambert (**Plaintiff**), respectfully submit the following stipulation requesting a sixty (60) day extension of the current scheduling order deadlines.

I. INTRODUCTION.

This case is a dispute arising out of an automobile insurance policy. Plaintiff allegedly suffered injuries as a result of a motor vehicle collision on April 11, 2012, and made a claim on her insurance policy. Plaintiff filed a complaint in State Court on April 17, 2017, alleging breach of

1 contract, contractual breach of implied covenant and good faith and fair dealing, and unfair claims
2 practices. On May 26, 2017, Defendant removed this matter to Federal Court. A discovery plan and
3 scheduling order was entered on August 24, 2017 [ECF Docket #12]. An order to extend discovery
4 deadlines was entered on November 29, 2017 [ECF Docket #19], and again on February 5, 2018
5 [ECF Docket # 22].

6 **II. DISCOVERY STATUS.**

7 On February 5, 2018, the court entered an order to extend discovery deadlines which set the
8 following deadlines:

- 9 (a). Discovery Cut Off: Friday, June 1, 2018.
- 10 (b). Motions to amend pleadings or add parties: No extension requested.
- 11 (c). Initial Expert Disclosures: Tuesday, April 3, 2018.
- 12 (d). Rebuttal Expert Disclosures: Friday, May 4, 2018.
- 13 (e). Interim Status Report: Tuesday, April 3, 2018.
- 14 (f). Dispositive Motions: Monday, July 2, 2018.
- 15 (g). Pretrial Order: Tuesday, July 31, 2018.
- 16 (h). Extensions or Modifications of the Discovery Plan and Scheduling Order:
17 Friday, May 11, 2018.

18 A. Discovery that has been completed.

- 19 1. Plaintiff served her initial disclosures on August 15, 2017.
- 20 2. Plaintiffs served her first supplement to initial disclosures on August 18, 2017.
- 21 3. Defendant served its initial disclosures on August 18, 2017.
- 22 4. Plaintiff served her second supplement to initial disclosures on September 7,
23 2017.
- 24 5. Plaintiff served her designation of expert witness on September 7, 2017.
- 25 6. Defendant served its first set of requests for production of documents and first
26 set of interrogatories to Plaintiff on September 21, 2017.
- 27 7. Plaintiff served her first supplement to designation of expert witness on
28 October 11, 2017.

8. Plaintiff served her responses to defendant's request for production of documents and answers to defendant's interrogatories on November 15, 2017.
9. Plaintiff served her second supplement to designation of expert witness on January 7, 2018.
10. Plaintiff served her third supplement to designation of expert witness on January 22, 2018.
11. Defendant served its initial expert disclosure on January 30, 2018.
12. Defendant served its notice of deposition of Plaintiff on February 22, 2018.
13. Plaintiff served her designation of rebuttal expert witnesses on March 5, 2018.

B. Discovery that Remains.

1. Expert disclosures;
2. Depositions of Plaintiff's treating physicians;
3. Deposition of Expert Witnesses;
4. Plaintiff's deposition (and follow up discovery on any new issues that arise at the deposition)

The parties reserve the right to take additional discovery during the time frames outlined below should the need arise.

C. Pending Motions.

There are currently no pending motions before the court.

III. REASON WHY EXTENSION IS REQUIRED.

The parties are requesting an additional sixty (60) days of discovery in order to allow the parties to finish gathering necessary medical records and to coordinate the scheduling of an IME pursuant to R. 35. This case involves a large volume of medical records, many of which have only recently been received. Defendant received a blank HIPAA form from Plaintiff in October of 2017 and medical records requests were subsequently submitted. Defendants are still in the process of receiving records related to these requests, the most recent of which were received on March 2nd. Additionally, the parties are working to determine a mutually agreeable date for an IME, and it is anticipated that May will be the earliest an IME can be coordinated based upon the schedules of the

physicians and Plaintiff, who often must travel for work. This request is being made in a timely manner. The parties believe that good cause is demonstrated.

IV. PROPOSED SCHEDULE.

- (a). Discovery Cut Off: **Tuesday, July 31, 2018.**
- (b). Motions to amend pleadings or add parties: **No extension requested.**
- (c). Initial Expert Disclosures: **Friday, June 1, 2018.**
- (d). Rebuttal Expert Disclosures: **Monday, July 2, 2018.**
- (e). Interim Status Report: **Friday, June 1, 2018.**
- (f). Dispositive Motions: **Thursday, August 30, 2018.**
- (g). Pretrial Order: **Monday, October 1, 2018.**
- (h). Extensions or Modifications of the Discovery Plan and Scheduling Order:
Tuesday, July 10, 2018.

DATED this 26th day of March, 2018.

AKERMAN LLP	BERNSTEIN & POISSON
<p><u>/s/ Jamie K. Combs</u> DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 JAMIE K. COMBS, ESQ. Nevada Bar No. 13088 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134</p> <p><i>Attorneys for Property and Casualty Insurance Company of Hartford</i></p>	<p><u>/s/ Karlie M. Gabour</u> SCOTT L. POISSON, ESQ. Nevada Bar No. 10188 KARLIE M. GABOUR, ESQ. Nevada Bar No. 13123 320 S. Jones Blvd. Las Vegas, Nevada 89107</p> <p><i>Attorneys for Mary Jean Lambert</i></p>

IT IS SO ORDERED.

IT IS FURTHER ORDERED that no further extensions will be allowed.


UNITED STATES MAGISTRATE JUDGE

DATED: April 2, 2018